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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,328	03/12/2004	Barry W. Allen	NC072-US2/5487-145	6240

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Tyco Electronics Corporation
Intellectual Property Law Department
M/S R20/2B
307 Constitution Drive
Menlo Park, CA 94026-1164

EXAMINER

LEPISTO, RYAN A

ART UNIT	PAPER NUMBER
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2883

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,328

Applicant(s)

ALLEN ET AL.

Examiner

Ryan Lepisto

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-16, 19-24, 26, 28-43, 46 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-16, 19-21, 23, 26, 28-38, 46 and 47 is/are allowed.
- 6) ☒ Claim(s) 1-5, 22, 24 and 39-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1-5, 24 and 39-43** are rejected under 35 U.S.C. 102(b) as being anticipated by **Thompson et al (US 6,160,946)** (Thompson). Thompson teaches an interconnect cabinet (Figs. 2 and 4) for optical fibers comprising an enclosure (20), a splitter module (24, Fig. 13, the whole system can have multiple splitter modules as shown in Fig. 1) mounted in the enclosure (20) via fasteners (70) that can be removed to be able to remove the modules and configured to couple fibers from a fiber feeder cable (300) from an outside plant (or office) to individual fibers (300a) that have connectors (91) at their ends for coupling to other channels (or subscribers) via an optical splitter (351) and splice (350) that connect to the termination panel on the front of the splitter module (see Fig. 14) that is used to couple fibers from the splitter to fibers from the outside plant (see Fig. 4) wherein fiber management spools (116) are used to route excess fiber.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 22** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Thompson as applied to claims 1-5, 24 and 39-43 above, and further in view of **Smith et al (US 2004/0001686 A1)** (Smith).

Thompson teaches the interconnect cabinet described above.

Thompson does not state explicitly that the fiber pigtails from the splitter are substantially the same length.

Smith teaches an interconnect enclosure wherein pigtails from couplers (splitters) are about the same length (paragraph 0037).

Thompson and Smith are analogous art because they are from the same field of endeavor, fiber interconnect enclosures.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the same length pigtails in the splitter taught by Thompson as taught by Smith since Thompson is silent on the length of the fiber, but shows equal length fibers in the figures (Fig. 13 for example).

At the time the invention was made, it would be obvious to a person of ordinary skill in the art to use equal length pigtails. Applicant has not disclosed that equal length pigtails provides an advantage, is used for a particular purpose, or solves a stated problem.

The motivation for doing so would have been to reduce cost and installation time by using equal length pigtails (Smith, paragraph 0037).

Allowable Subject Matter

3. **Claims 7-16, 19-21, 23, 26, 28-38 and 46-47** are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

With regard to claims 7, 12, 14, 16, 19, 23, 28 and 46: These claims are allowable over the prior art of record because the latter, either alone or in combination, does not disclose nor render obvious a termination module further comprising a splice chamber configured to mount a plurality of splice modules adjacent to a back side of the termination panel or a distance between a first and last spool is about half the distance between first and last rows of connection members of the termination panel or a termination panel with a splice chamber mounted adjacent the back side of the termination panel wherein both the termination panel and splice chamber are independently able to pivot, a cable securing member that is movable, able to pivot about a neutral axis having an arc length for a cable secured therein and detachable, a double-wall enclosure for passive cooling or the distance between first and last spools being about half the distance between first and last rows of connection members on the termination panels, in combination with the rest of the claimed limitations.

With regard to claims 8-11, 13, 15, 20-21, 26, 29-38 and 47: These claims are allowable over the prior art of record because they depend from allowable claims.

Response to Arguments

4. Applicant's arguments filed 24 May 2006 have been fully considered but they are not persuasive. In response the argument that the Thompson reference does not teach all of the claim limitations of claim 1: As seen in Fig. 13 and explained above, Thompson teaches a feeder cable (300) having a plurality of fibers to be coupled to some outside plant (office). The fibers enter the connection module (24), couple to a splice (350) then to a splitter (351) which then multiple fiber terminate at the connection module (24) panel with connectors (91) for different channel (subscriber) locations. So as seen, short length of fiber (or pigtails) have a first end at the splitter (351) that couples to the feeder cable (300) and a second end at the connectors (91) at the connection module (24) panel (termination panel). Even if the connectors (91) were somehow hard coupled to the panel (the point of connectors is that they can be connected and disconnected including if they are attached to a panel), this would not result in the fibers going from the splitter (351) to the connectors (91) not being pigtails since pigtails are taken as just short lengths of fibers absent any specific definition given by the applicant.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Lepisto whose telephone number is (571) 272-1946. The examiner can normally be reached on M-Th 7:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ryan Lepisto

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Date: 6/6/06



Frank Font

Supervisory Patent Examiner

Technology Center 2800